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DOCKET NO.: 301490.1001-111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

As a named inventor, I (we) hereby declare that

My residence, mailing address and citizenship are as stated next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 2 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Systems and Methods of pH Tissue Monitoring

the specification of which (check one)

☐ is attached hereto.

☒ was filed on July 28, 2003 as  
United States Application Number or PCT International Application Number: 10/628,866;

☐ was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referenced to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Not Claimed	Certified Copy Filed	
				Yes	No
Application No.	Country	Day/Month/Year filed			
Application No.	Country	Day/Month/Year filed			
Application No.	Country	Day/Month/Year filed			

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

60/136,502	May 28, 1999
Application Number	Filing Date
Application Number	Filing Date

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I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or under 35 U.S.C. §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

09/580,809	May 26, 2000	Pending
Application No.	Filing date	Status: patented, pending, abandoned
09/339,081	June 23, 1999	Patented
Application No.	Filing date	Status: patented, pending, abandoned
Application No.	Filing date	Status: patented, pending, abandoned

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) associated with Bowditch & Dewey, LLP, 161 Worcester Road, P.O. Box 9320, Framingham, Massachusetts, 01701-9320, Customer No.: 30407 to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

I also hereby grant additional Powers of Attorney to the following attorney(s) and/or agent(s) to file and prosecute this application or an international application under the Patent Cooperation Treaty based upon the above-identified application, including a power to meet all designated office requirements for designated states and transact all business in the United States Patent and Trademark Office connected therewith:

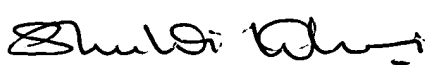

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Inventor's Signature		Date: 3-12-04
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